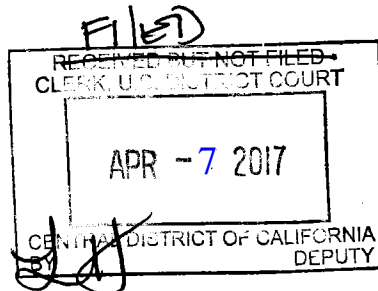


ASENCION GINES DOMINGUEZ
NORMA ALMAZAN COLORADO
1831 W FLORENCE AVE
LOS ANGELES CA 90047
PLAINTIFFS
IN PRO SE



**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ASENCION GINES DOMINGUEZ, an
individual "LA SONORA SANTANERA
DE CARLOS COLORADO"
NORMA ALMAZAN COLORADO, an
individual

PLAINTIFFS

vs

LEONIDAS OSORIO, an individual "LA
NUEVA SANGRE SONORA
SANTANERA"; ARTURO ORTIZ an
individual, "LA UNICA
INTERNACIONAL SONORA
SANTANERA S. de R.L. dba "LA
INTERNACIONAL SONORA
SANTANERA" S.A. de C.V.; ANTONIO
MENDEZ an individual dba "LA UNICA
INTERNACIONAL SONORA
SANTANERA S. de R.L. dba "LA
INTERNACIONAL SONORA
SANTANERA" S.A. de C.V.; RAUL
MENDOZA an individual Non-Register
"LA SONORA SANTANERA DE
CARLOS COLORADO";
And DOES ONE THROUGH 20.

DEFENDANTS

Case No. 2:16-cv-00689 PSG (GJSx)

**PLAINTIFFS' MOTION FOR CIVIL
CONTEMPT SANCTIONS OR IN
THE ALTERNATIVE FOR A
PRELIMINARY INJUNCTION;
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT**

Supplemental to Civil Action

No. 2:16-cv-00689 PSG (GJSx)

Hon. Philip S Gutierrez

Date: June 12, 2017

Time: 1:30 PM

**Dept: 6A
6th Floor**

1 NOTICE OF MOTION AND MOTION FOR CIVIL CONTEMPT SANCTIONS OR
2 IN THE ALTERNATIVE FOR A MORE SPECIFIC PRELIMINARY
3 INJUNCTION

4 Please take notice that Plaintiffs hereby move the Court for civil contempt
5 sanctions against Defendants for violating this Court's Default Judgment Order issued
6 on November 17, 2016, by (1) In the alternative, Plaintiffs move for a further
7 injunction.

8
9
10
11 Plaintiffs respectfully request that the Court find Defendants LEONIDAS
12 OSORIO aka RONY OSORIO and RAUL MENDOZA be declare in contempt of
13 court so that the order given by this Court on November 16, 2016 would be enforce as
14 to make the Defendants come into immediate compliance with the Court's Order, as
15 well as to order Defendants to file a status report on compliance each day until the
16 Defendants are in full compliance with this Court's Default Judgment Order, and fine
17 Defendants the sum of \$25,000 for each violation in which Defendants have
18 perpetrated out of compliance with this Court's Default Judgment Order. Plaintiffs'
19 motion for civil contempt sanctions is made pursuant to the inherent authority of the
20 Court on the ground that Defendants are presently violating this Court's Default
21 Judgment Order, respectively. See *Stone v. City and County of San Francisco*, 968
22 F.2d 850, 856 & n.9 (9th Cir. 1992). Plaintiffs request that this Court issue a
23 Preliminary injunction, ordering Defendants to refrain from further violating this
24 Court's Order.

25 This motion is based on this Notice of Motion and Motion, the accompanying
26 Memorandum of Points and Authorities, the Declarations in connection with this
27 Motion, the [Proposed] Order Granting Plaintiffs' Motion, the complete files and
28

1 records of this action, and such other and further matters as the Court may properly
2 consider.

3 Dated: March 29, 2017
4

5 Respectfully Submitted,
6
7
8

9 By: _____
10

11 Asencion Gines Dominguez

12 Plaintiff
13
14
15
16
17
18
19
20

21 By: _____
22

23 Norma Almazan Colorado

24 Co-Plaintiff
25
26
27
28

TABLE OF CONTENTS TABLE OF

AUTHORITIES.....ii

MEMORANDUM OF POINTS AND

AUTHORITIES.....1

INTRODUCTION.....1

BACKGROUND AND STATEMENT OF

FACTS.....2 A.

Proceeding proceedings.....2 B.

ARGUMENT.....10 A.

Defendants Are In Contempt of This Court’s Default Judgment Order

.....10

1. Contempt Standard10.

2 Defendants Have Violated, And Continue To Violate, This Court’s Default

Judgment Order

.....10

I. This Court's Default Order.....11

II. The Defaulted Defendants Leonidas Osorio and Raul Mendoza have Made a

Mockery of This Court's Order.....12

III. The Court Should Act Swiftly To Bring The Defaulted Defendants Leonidas

Osorio and Raul Mendoza Into Compliance With Its

Order.....11

1

2

3

4 B. Relief Requested11

5 CONCLUSION10

6

7

8 TABLE OF AUTHORITIES FEDERAL CASES

9 In re Dual-Deck Video Cassette Recorder Antitrust Litigation, 10 F.3d 693 (9th Cir.

10 1993).....10

11 Stone v. City and County of San Francisco, 968 F.2d 850 (9th Cir.

12 1992).....11

13

14 ." *Gompers v. Buck Stove & Range Co.*, 221 U.S. 418, 450

15 (1911).....10

16 *Walker v. City of Birmingham*, 388 U.S. 307, 314 (1967) (internal quotations

17 omitted).....11

18

19 *See United States v. Christie Indus., Inc.*, 465 F.2d 1002, 1007 (3d Cir.

20 1972).....12

21 *United States v. Greyhound Corp.*, 508 F.2d 529, 532 (7th Cir. 1974)

22 (same).....10

23

24

25

26

27

28

1
2
3
4 MEMORANDUM OF POINTS AND AUTHORITIES INTRODUCTION

5 Defendants have violated this Court's Default Judgment Order issued on
6 November 17, 2016, by (1) enjoining the Defendants from using the name "Sonora
7 Santanera" in any advertising, trademark registry or promotion; (2) Be ordered to
8 remove the name "Sonora Santanera" from any and all websites under their control;
9 (3) Be ordered to have any registration for any trademark containing the name
10 "Sonora Santanera" prior to filing of this action cancelled. (4) Failing to serve and file
11 a declaration of compliance demonstrating actual compliance with this Court's
12 Judgment Order issued November 17, 2016.
13

14
15 Plaintiffs respectfully request that the Court find Defendants in contempt of
16 court, order that Defendants come into immediate compliance with the Court's Order,
17 order Defendants to file a status report on compliance each day until the Defendants
18 are in full compliance with this Court's Default Order, and fine Defendants the sum of
19 \$25,000 for each violation perpetrated by Defendants Leonidas Osorio individually
20 and Raul Mendoza individually. Plaintiffs' motion for civil contempt sanctions is
21 made pursuant to the inherent authority of the Court on the ground that Defendants
22 have violated this Court's Order specifically Defendants Leonidas Osorio has violated
23 this Court's Order 11 times in fact as early as this Past Saturday April 01, 2017; Raul
24 Mendoza has violated this Court's Order 3 times since this Court issue the Default
25 Judgment. See *Stone v. City and County of San Francisco*, 968 F.2d 850, 856 & n.9
26 (9th Cir. 1992).
27
28

BACKGROUND AND STATEMENT OF FACTS

A. Prior Proceedings On November 17, 2016, this Court (1) enjoining the Defendants from using the name “Sonora Santanera” in any advertising, trademark registry or promotion; (2) Be ordered to remove the name “Sonora Santanera” from any and all websites under their control; (3) Be ordered to have any registration for any trademark containing the name “Sonora Santanera” prior to filing of this action cancelled.

"If a party can make himself a judge of the validity of orders which have been issued, and by his own act of disobedience set them aside, then are the courts impotent, and what the Constitution now fittingly calls the 'judicial power of the United States' would be a mere mockery." *Gompers v. Buck Stove & Range Co.*, 221 U.S. 418, 450 (1911). That is precisely what the Defendants LEONIDAS OSORIO, an individual “LA NUEVA SANGRE SONORA SANTANERA”; ARTURO ORTIZ an individual, “LA UNICA INTERNACIONAL SONORA SANTANERA S. de R.L. dba “LA INTERNACIONAL SONORA SANTANERA” S.A. de C.V.; ANTONIO MENDEZ an individual dba “LA UNICA INTERNACIONAL SONORA SANTANERA S. de R.L. dba “LA INTERNACIONAL SONORA SANTANERA” S.A. de C.V.; RAUL MENDOZA an individual Non-Register “LA SONORA SANTANERA DE CARLOS COLORADO,(Hereinafter referred as “The Defaulted Defendants”); Have sought to achieve in the wake of this Court's November 17, 2016,

1 Default Judgment Order. The Court has received Plaintiffs Notice of Motion for
 2 Default Judgment good cause appearing , the motion is GRANTED the Default
 3 Judgment shall be entered immediately in favor of the Plaintiffs against Defendants
 4 LEONIDAS OSORIO, an individual "LA NUEVA SANGRE SONORA
 5 SANTANERA"; ARTURO ORTIZ an individual, "LA UNICA INTERNACIONAL
 6 SONORA SANTANERA S. de R.L. dba "LA INTERNACIONAL SONORA
 7 SANTANERA" S.A. de C.V.; ANTONIO MENDEZ an individual dba "LA UNICA
 8 INTERNACIONAL SONORA SANTANERA S. de R.L. dba "LA
 9 INTERNACIONAL SONORA SANTANERA" S.A. de C.V.; RAUL MENDOZA an
 10 individual Non-Register "LA SONORA SANTANERA DE CARLOS COLORADO,;

11
 12
 13 In that order, this Court required the all named individuals shall:

- 14 1). Be enjoined from using the name "SONORA SANTANERA" in any advertising,
 15 trademark registry or promotion;
 16
- 17 2). Be ordered to remove the name "SONORA SANTANERA" from any and all
 18 websites under their control; and
 19
- 20 3). Be ordered to have any registration for any trademark containing the name
 21 "SONORA SANTANERA" prior to filing of this action cancelled.
 22
 23

24 The Defaulted Defendants, without seeking further guidance from this Court or
 25 consulting the Plaintiffs. Far from treating the Court's Order with "[]obedience" and
 26 "respect[]" until properly challenged, *Walker v. City of Birmingham*, 388 U.S. 307,
 27 314 (1967) (internal quotations omitted), the Defaulted Defendants have cynically
 28 acted as if the Default Judgment against them permits them to perpetuate the very

1 conditioning the Court enjoined. The Defaulted Defendants' naked attempt to defeat
 2 the purpose of the Court's Order and to further its litigation strategy is an affront to the
 3 Court's authority; the Court accordingly should hold the Defaulted Defendants in civil
 4 contempt and act swiftly to bring them into compliance.¹

7 ARGUMENT

10 A. Defendants Are In Contempt Of This Court's Default Judgment Order 1.
 11 Contempt standard The Court may issue a contempt order if Defendants "(1) []
 12 violated the court order, (2) beyond substantial compliance, (3) not based on a good
 13 faith and reasonable interpretation of the order, (4) by clear and convincing evidence."
 14 In re Dual-Deck Video Cassette Recorder Antitrust Litig., 10 F.3d 693, 695 (9th Cir.
 15 1993).

16 A district court "has wide latitude in determining whether there has been a
 17 contemptuous def[ianc]e of its order." Stone v. City and County of San Francisco, 968
 18 F.2d 850, 856 (9th Cir. 1992) (internal quotation marks omitted). The moving party
 19 must demonstrate by clear and convincing evidence that the alleged contemnor
 20 violated "a specific and definite order of the court." Id. at 856 n.9. The burden then
 21 shifts to the opposing party to demonstrate that "they took every reasonable step to
 22 comply." Id. The contempt "need not be willful, and there is no good faith exception
 23 to the requirement of obedience to a court order." In re Dual-Deck, 10 F.3d at 695 2.
 24 Defendants Have Violated, And Continue to Violate, This Court's Default Judgment.

26 2. Defendants Have Violated, And Continue to Violate, This Court's
 27 Default Judgment Order.

1 As this Court has previously found, this will cause immediate and irreparable
2 harm.

3 Defendants have not filed a Declaration of Compliance demonstrating actual
4 compliance with the Court's Default Judgment Order and for an Order Granting
5 Preliminary Injunction.
6

7
8
9
10 B. Relief Requested

11 Plaintiffs request that the Court fine Defendants Leonidas Osorio and
12 Raul Mendoza the sum of \$25,000 per each violation they have caused. While
13 Plaintiffs believe that Defendants have violated the clear terms of this Court's Default
14 Judgment Order, Plaintiffs request in the alternative that this Court issue a further
15 injunction ordering Defendants to refraining from any further violations of this Court
16 Default Order. This is important because it appears that Defendants are taking the
17 position that they are already in full compliance with this Court's Order.
18

19 Plaintiffs respectfully request that the Court use its inherent power to
20 enforce the Preliminary Injunction to order Defendants to provide the requested
21 information.
22
23
24
25
26
27
28

1
2
3 **I. This Court's Default Order**
4

5 This Court enjoined the Defaulted Defendants :
6

7 All named individuals shall:
8

- 9 1). Be enjoined from using the name "SONORA SANTANERA" in any advertising,
10 trademark registry or promotion;
11 2). Be ordered to remove the name "SONORA SANTANERA" from any and all
12 websites under their control; and
13 3). Be ordered to have any registration for any trademark containing the name
14 "SONORA SANTANERA" prior to filing of this action cancelled.
15

16 The meaning of the Court's Order is obvious: Indeed, in light of the concerns
17 that drove the Court to issue the Order, the proscription could have no other
18 meaning. *See United States v. Christie Indus., Inc.*, 465 F.2d 1002, 1007 (3d Cir.
19 1972) (explaining that "[t]he language of an injunction must be read in light of the
20 circumstances surrounding its entry" including "the mischief that the injunction seeks
21 to prevent"); *United States v. Greyhound Corp.*, 508 F.2d 529, 532 (7th Cir. 1974)
22 (same). impermissibly render the preliminary injunction's prohibition on conditioning
23 a dead letter. *See Greyhound*, 508 F.2d at 533 (rejecting construction of decree that
24 would "for all practical purposes" "render th[e] provision a nullity."
25
26
27
28

II. The Defaulted Defendants Leonidas Osorio and Raul Mendoza have Made a Mockery of This Court's Order

The Defaulted Defendants' appear not to care about this Court Order issue on November 17, 2016. They in fact have completely disregard said order and have used the name "SONORA SANTANERA" even more than before the Court order was issued, telling promoters and the Plaintiffs that they don't give a royal fuck about this Court and its order that if said order had any true to it then they should be arrested and since the Plaintiffs will only act within the limits of the law, they have been powerless in the face of such callousness and complete and outer disregard to the Laws of the Land, Defendant Leonidas Osorio has made a video where he states that he is the only owner of the name "SONORA SANTANERA" but fails to mention this Court order and instead self-proclaims himself as the only legal owner of the "SONORA SANTANERA", Mr. Osorio has stated his willingness to come to this Court and present his version of the events, but still lacks any legal standing to make any claims over the Band name "SONORA SANTANERA" his transparent attempts to rewrite this Court Order to permit precisely what it precludes constitutes a flagrant disregard of this Court's lawful authority and warrants holding the Defaulted Defendants' in civil contempt. *See Greyhound*, 508 F.2d at 532-33 (upholding *criminal* contempt conviction because the defendant's "strained and twisted interpretation of the order" would "render the provision a nullity" and explaining that such "'tortured constructions'" or "mere `paper compliance'" coupled with failure to seek clarification from the court is "strong evidence of a willful violation of the decree").

1
2 On December 17, 2016 , a month after the Court issued its Default Judgment
3 against all Defendants, including but not limited to Leonidas Osorio AKA Rony
4 Osorio scheduled a live performance using the name "SONORA SANTANERA" in a
5 promotional advertising in direct violation and fragrant disregard of this Court Order
6 issue on November 17, 2016. And went ahead with his performance at the California
7 Commerce Casino, located at 6131 Telegraph Rd Commerce California 90040 a true
8 and correct copy of said event is attached to this action SEE EXHIBIT "A"
9 CALIFORNIA COMMERCE CASINO ATTACHED HERETO. Plaintiffs believe
10 and therefore allege that for said performance Defendant Leonidas Osorio received a
11 payment of \$6,000.00 to the detriment of Plaintiffs.
12
13
14
15

16 On December 30, 2016 Defaulted Defendant Leonidas Osorio and his Band
17 "La Nueva Sangre SONORA SANTANERA" continue with his blatant disregard of
18 this Court Order and proceeded with another performance this time in Dallas Texas at
19 the Far West Night Club located at 400 S Buckner Blvd Dallas Texas a true and
20 corrected copy of the flyer advertising and promoting said event SEE EXHIBIT "B"
21 FAR WEST NIGHTCLUB FLYER ATTACHED HERETO, said Promotional
22 advertising confused the general public leading them to believe they would be
23 watching the "SONORA SANTANERA" when in reality they had paid to watch a
24 group of impostors and infringers, while at the same time diluting the Plaintiffs'
25 trademark. Plaintiffs believe and therefore allege that Leonidas Osorio collected the
26 sum of \$6,000.00 to the detriment of Plaintiffs.
27
28

1 On December 31, 2016 Defaulted Defendant Leonidas Osorio and his Band
2 “La Nueva Sangre SONORA SANTANERA” continue with his blatant disregard of
3 this Court Order and proceeded with another performance this time in Cicero Illinois
4 at the Palace Regency Ballroom located at 5600 Cermak Rd, Cicero Illinois 60804 a
5 true and corrected copy of the flyer advertising and promoting said event SEE
6 EXHIBIT “C” CENA BAILE DE ANO NUEVO ATTACHED HERETO, said
7 promotional advertising has contributed to confused the general public leading them
8 to believe they would be watching the “SONORA SANTANERA” when in reality
9 they had paid to watch a group of impostors and infringers, while at the same time
10 diluting the Plaintiffs’ trademark. Plaintiffs believe and therefore allege that Leonidas
11 Osorio collected the sum of \$6,000.00 to the detriment of Plaintiffs.

12
13
14 On January 14, 2017 Defaulted Defendant Leonidas Osorio and his Band
15 “La Nueva Sangre SONORA SANTANERA” continue with his blatant disregard of
16 this Court Order and proceeded with another performance this time in Montebello
17 California at the Fiesta Mexican Restaurant Bar and Grill located at 1105 Whittier
18 Blvd Montebello California 90640 a true and corrected copy of the flyer advertising
19 and promoting said event SEE EXHIBIT “D” NO BUSQUE MAS ATTACHED
20 HERETO, said promotional advertising has contributed to confused the general
21 public leading them to believe they would be watching the “SONORA
22 SANTANERA” when in reality they had paid to watch a group of impostors and
23 infringers, while at the same time diluting the Plaintiffs’ trademark. Plaintiffs believe
24 and therefore allege that Leonidas Osorio collected the sum of \$6,000.00 to the
25 detriment of Plaintiffs.

1 On February 10, 2017 Defaulted Defendant Leonidas Osorio and his Band
2 “La Nueva Sangre SONORA SANTANERA” continue with his blatant disregard of
3 this Court Order and proceeded with another performance this time in Bakersfield
4 California at the La Movida Night Club located at 212 E 18Th St Bakersfield
5 California 93305 a true and corrected copy of the flyer advertising and promoting said
6 event SEE EXHIBIT “E” GRAN BAILE DE LOS ENAMORADOS ATTACHED
7 HERETO, said promotional advertising has contributed to confused the general
8 public leading them to believe they would be watching the “SONORA
9 SANTANERA” when in reality they had paid to watch a group of impostors and
10 infringers, while at the same time diluting the Plaintiffs’ trademark. Plaintiffs believe
11 and therefore allege that Leonidas Osorio collected the sum of \$6,000.00 to the
12 detriment of Plaintiffs.

13
14
15 On February 11, 2017 Defaulted Defendant Leonidas Osorio and his Band
16 “La Nueva Sangre SONORA SANTANERA” continue with his blatant disregard of
17 this Court Order and proceeded with another performance this time in Wilmington
18 California at the Longmen’s and Warehousemen’s Memorial Association 231 W “C”
19 located at 212 E 18Th St Wilmington California 90744 a true and corrected copy of the
20 flyer advertising and promoting said event SEE EXHIBIT “F” 11 DE FEBRERO
21 ATTACHED HERETO, said promotional advertising has contributed to confused the
22 general public leading them to believe they would be watching the “SONORA
23 SANTANERA” when in reality they had paid to watch a group of impostors and
24 infringers, while at the same time diluting the Plaintiffs’ trademark. Plaintiffs believe
25 and therefore allege that Leonidas Osorio collected the sum of \$6,000.00 to the
26 detriment of Plaintiffs.

1 On February 11, 2017 Defaulted Defendant Leonidas Osorio and his Band “La
2 Nueva Sangre SONORA SANTANERA” continue with his blatant disregard of this
3 Court Order and proceeded with another performance this time in Montebello
4 California at the Quiet Cannon located 901 Via San Clemente Montebello California
5 90640 a true and corrected copy of the flyer advertising and promoting said event SEE
6 EXHIBIT “G” QUIET CANNON 11 DE FEBRERO ATTACHED HERETO, said
7 promotional advertising has contributed to confused the general public leading them
8 to believe they would be watching the “SONORA SANTANERA” when in reality
9 they had paid to watch a group of impostors and infringers, while at the same time
10 diluting the Plaintiffs’ trademark. Plaintiffs believe and therefore allege that Leonidas
11 Osorio collected the sum of \$6,000.00 to the detriment of Plaintiffs.

12
13
14
15
16 On February 11, 2017 Defaulted Defendant Raul Mendoza and his Band
17 “SONORA SANTANERA Tributo a Carlos Colorado” joined Defendant Raul
18 Mendoza with with his blatant disregard of this Court Order and proceeded with a
19 performance in Oxnard California at Casa Lopez Restaurant located 325 South “A”
20 Street Oxnard California 93030 a true and corrected copy of the flyer advertising and
21 promoting said event SEE EXHIBIT “H” GRAN BAILE DEL DIA DE LOS
22 ENAMORADOS 11 DE FEBRERO ATTACHED HERETO, said promotional
23 advertising has contributed to confused the general public leading them to believe they
24 would be watching the “SONORA SANTANERA” when in reality they had paid to
25 watch a group of impostors and infringers, while at the same time diluting the
26 Plaintiffs’ trademark. Plaintiffs believe and therefore allege that Raul Mendoza
27 collected the sum of \$5,000.00 to the detriment of Plaintiffs.
28

1 On March 18, 2017 Defaulted Defendant Raul Mendoza and his Band
2 “SONORA SANTANERA Tributo a Carlos Colorado” continue with his blatant
3 disregard of this Court Order and proceeded with another performance this time in El
4 Paso Texas at the Sand Dunes Ballroom located 11400 Rojas and Lee Trevino El Paso
5 Texas 79936 a true and corrected copy of the flyer advertising and promoting said
6 event SEE EXHIBIT “I” SAND DUNES BALLROOM MARCH 18 ATTACHED
7 HERETO, said promotional advertising has contributed to confused the general
8 public leading them to believe they would be watching the “SONORA
9 SANTANERA” when in reality they had paid to watch a group of impostors and
10 infringers, while at the same time diluting the Plaintiffs’ trademark. Plaintiffs believe
11 and therefore allege that Raul Mendoza collected the sum of \$5,000.00 to the
12 detriment of Plaintiffs.

13
14
15 On March 18, 2017 Defaulted Defendant Raul Mendoza and his Band
16 “SONORA SANTANERA Tributo a Carlos Colorado” continue with his blatant
17 disregard of this Court Order and proceeded with another performance this time in Las
18 Vegas Nevada at the same time that his second event in El Paso Texas at the Sand
19 Dunes Ballroom His First event on the same day at the Broad Acres Marketplace
20 located 2030 North Las Vegas Blvd North Las Vegas Nevada 89030 a true and
21 corrected copy of the flyer advertising and promoting said event SEE EXHIBIT “J”
22 BROADACRES MARKETPLACE MARCH 18 ATTACHED HERETO, said
23 promotional advertising has contributed to confused the general public leading them
24 to believe they would be watching the “SONORA SANTANERA” when in reality
25 they had paid to watch a group of impostors and infringers, while at the same time
26 diluting the Plaintiffs’ trademark. Plaintiffs believe and therefore allege that Raul
27 Mendoza collected the sum of \$4,000.00 to the detriment of Plaintiffs.
28

1 On March 25, 2017 Defaulted Defendant Leonidas Osorio and his Band
2 “La Nueva Sangre SONORA SANTANERA” continue with his blatant disregard of
3 this Court Order and proceeded with another performance this time back again at
4 Commerce California at the California Commerce Casino located 6131 E Telegraph
5 Rd Commerce California 90040 a true and corrected copy of the flyer advertising and
6 promoting said event SEE EXHIBIT “K” SUPERBAILAZO.COM 25 DE MARZO
7 ATTACHED HERETO, said promotional advertising has contributed to confused the
8 general public leading them to believe they would be watching the “SONORA
9 SANTANERA” when in reality they had paid to watch a group of impostors and
10 infringers, while at the same time diluting the Plaintiffs’ trademark. Plaintiffs believe
11 and therefore allege that Leonidas Osorio collected the sum of \$6,000.00 to the
12 detriment of Plaintiffs.

13
14
15
16 On March 25, 2017 Defaulted Defendant Leonidas Osorio and his Band
17 “La Nueva Sangre SONORA SANTANERA” continue with his blatant disregard of
18 this Court Order and proceeded with another double performance on the same night at
19 a different location this time at the Hacienda of Anaheim Restaurant and Night Club
20 located 501 South Brookhurst Street Anaheim California 92804 a true and corrected
21 copy of the flyer advertising and promoting said event SEE EXHIBIT “L” SABADO
22 25 DE MARZO ATTACHED HERETO, said promotional advertising has
23 contributed to confused the general public leading them to believe they would be
24 watching the “SONORA SANTANERA” when in reality they had paid to watch a
25 group of impostors and infringers, while at the same time diluting the Plaintiffs’
26 trademark. Plaintiffs believe and therefore allege that Leonidas Osorio collected the
27 sum of \$6,000.00 to the detriment of Plaintiffs.
28

1 On March 31, 2017 Defaulted Defendant Leonidas Osorio and his Band
2 “La Nueva Sangre SONORA SANTANERA” continue with his blatant disregard of
3 this Court Order and proceeded with another double performance on the same night at
4 a different location this time at Estrellas del Milenium Night Club located 850 N State
5 St Elgin Illinois a true and corrected copy of the flyer advertising and promoting said
6 event SEE EXHIBIT “M” VIERNES 31 DE MARZO ATTACHED HERETO, said
7 promotional advertising has contributed to confused the general public leading them
8 to believe they would be watching the “SONORA SANTANERA” when in reality
9 they had paid to watch a group of impostors and infringers, while at the same time
10 diluting the Plaintiffs’ trademark. Plaintiffs believe and therefore allege that Leonidas
11 Osorio collected the sum of \$6,000.00 to the detriment of Plaintiffs.

12
13
14 On April 01, 2017 Defaulted Defendant Leonidas Osorio changing the
15 name of his Band to “La Unica Internacional SONORA SANTANERA” said name
16 belongs to the other two Defaulted Defendants ARTURO ORTIZ and ANTONIO
17 MENDEZ usurping the Band name from the above mentioned Defaulted Defendants
18 literally going out of control and disregarding all legal constrains placed upon him has
19 and will continue with his blatant disregard of this Court Order and proceeded with
20 another performance this time the Aragon Ballroom in the City of Chicago Illinois
21 located 1106 W Lawrence Ave Chicago Illinois 60640 a true and corrected copy of
22 the flyer advertising and promoting said event SEE EXHIBIT “N”
23 VIVETUMUSICA.COM 01 DE ABRIL ATTACHED HERETO, said promotional
24 advertising has contributed to confused the general public leading them to believe they
25 would be watching the “SONORA SANTANERA” when in reality they had paid to
26 watch a group of impostors and infringers, while at the same time diluting the
27 Plaintiffs’ trademark. Plaintiffs believe and therefore allege that Leonidas Osorio
28 collected the sum of \$6,000.00 to the detriment of Plaintiffs.

1
2
3 The Defaulted Defendants Leonidas Osorio and Raul Mendoza have been openly
4 violating this Court Default Judgment by continuing to use the name "SONORA
5 SANTANER" in advertizing and promotional print via flyers in their numerous events
6 since November 17, 2016, with Leonidas Osorio login 10 different event plus one
7 more upcoming event on April 01, 2017. Raul Mendoza violated this Court's Order 3
8 times on his own, continuing to work out precisely how to avoid the forbidden
9 conditioning; but "[i]t does not lie in [Rony Osorio and Raul Mendoza's'] mouth[s] to
10 say that [they] have an immunity from civil contempt because the plan or scheme
11 which [they] adopted was not specifically [forbidden]." *McComb v. Jacksonville*
12 *Paper Co.*, 336 U.S. 187, 192 (1949). The Defaulted Defendants are "not an unwitting
13 victim[s] of the law" but rather "took a calculated risk when under the threat of
14 contempt [they] adopted measures designed to avoid the legal consequences" of this
15 Court's order. *Id.* at 193.

16
17
18
19 The Defaulted Defendants appear to seek to make a mockery of the Court's Order
20 in the hopes of bolstering its argument that they have "unfettered liberty". At the
21 same time as they ignore the Default Judgment that is simply too great to tolerate
22 indefinitely" until the Plaintiff's request for permanent relief is "finally resolved."
23 Mem. at 17.

III. The Court Should Act Swiftly To Bring the Defaulted Defendants Leonidas Osorio and Raul Mendoza into Compliance with Its Order

Accordingly, the Plaintiffs requests that the Court judge The Defaulted Defendants in civil contempt. Because of the flagrant manner in which They violated this Court Order, and to ensure compliance in the future, the Plaintiffs believe an appropriate remedial sanction is an order requiring Leonidas Osorio and Raul Mendoza to give the Plaintiffs and the Court at least 30 days notice (1) Leonidas Osorio and Raul Mendoza intent to refrain from their continuos commercially use of the name "SONORA SANTANERA",; (2) of the steps Leonidas Osorio and Raul Mendoza intend to take to ensure that they would not longer be using the name "SONORA SANTANERA" in compliance with the Default Judgment entered against them.⁴

The Plaintiffs further seek an order from the Court requiring Defaulted Defendants to comply with the outstanding Default Judgment entered against all the Defendants in this case in the manner outlined above.

Specifically, the Plaintiffs requests that follow this Court order issue on November 17, 2016, as outlined in the attached proposed order. The Plaintiffs believe that the Court can and should act swiftly in ruling on the Plaintiffs' Motion. There is particular urgency in this period.

The Plaintiffs therefore requests that the Court require Leonidas Osorio and Raul Mendoza to respond to this Motion by Friday, April 28, 2017. The Plaintiffs further requests that the Court grant the requested relief as soon thereafter as possible.⁵

1 Dated: March 29, 2017

2
3
4 By: 

5 ASENCION GINES DOMINGUEZ

6
7 Respectfully submitted,

8
9
10
11 By: 

12 NORMA COLORADO ALMAZAN

13
14
15
16 Respectfully submitted,

EXHIBIT "A"

HOTEL · CASINO

6131 East Telegraph Rd., Commerce, CA 90040

177

Posada Navideña **DICIEMBRE** SUPERBAILAZOS.COM PRESENTA **GRANDES DE AMERICA**



EXHIBIT "C"

Cena Baile de Año Nuevo

100%
FAMILIAR



**Sonora
Santanera**
LA NUEVA SANGRE

PALACE *Regency* HALL

5600 W CERMAK RD, CICERO, IL 60804

31 DE DICIEMBRE

CENA SHOW \$75 ADULTO \$45 NIÑO (BEBIDAS NO INCLUIDAS)

RESERVA CON ANTICIPACION AL 847.877.3915
O EN WWW.REVENTONPROMOTIONS.COM

PUERTAS 8:00 PM CENA 9:00 PM
SONORA SANTANERA EMPIEZA A LAS 10:30 PM
DJ HASTA 1:00 AM



EXHIBIT "D"

Encuentra el mejor Entretenimiento

100%
Familiar



BAR & GRILL

Entrada
Gratis

SABADO 14 DE ENERO

CON LA MAGNIFICA Y UNICA



Sonora Antanera
LA NUEVA SANGRE
RONY OSORIO

Con su Producción

Hola Soledad

Interpretando todos sus éxitos

Es la boa • Perfume de Gardenia
• Mi Razón

TODOS LOS VIERNES
A BAILAR CON "LA DINAMITA"



Tardeadas Nortenas

todos los Domingos

Juan Carlos

La Imagen
de Juan Gabriel



**Mariachi
Fiesta Mexicana**



**Carlos Rosas
y su alianza
NORTENA**

1105 Whittier Blvd. Montebello, CA 90640

Reservaciones al 626-217-0007

EXHIBIT "E"

Gran Baile De los Enamorados

viernes 10 de febrero

**los angeles
NEGROS**

**SONORA
Dinamita**

TRIBUTO AL AHOW D

TERRICOLAS

Movida Los Apson

NIGHT CLUB

RESEVACIONES 661 979 0218

BOLETOS A LA VENTA TICKETON.COM

LA JAULA DEL MERCADO LATINO MARISCOS LAS ISLITAS TRES HERMANOS DE DELANO

LA CARNICERIA LA CARRETA LA CANASTA DE WASCO CARNICERIA JALISCO

EXHIBIT "F"

DE WILMINGTON
231 C ST. WILMINGTON CA 90744
TICKETON PRE-VENTA \$60 TICKETON

ABADO 11 FEBRER

DE 6PM A 2AM

RECTAMENTE DE ARGENTIN

LOS BRIOS

DAMINANTE

ONORA SANTANER

NGELES NEGRO

FERRICOLA

ONORA DINAMIT

IBUTO AL SUPER SHOW

LOS APSOI

EXHIBIT "G"

EL LUGAR MAS ELEGANTE
QUIET CANNON
DE MONTEBELLO

ticketmaster

PRESENTA

TICKETON

SABADO 11 FEBRERO

POR PRIMERA VEZ EN MONTEBELLO

JOSE MANUEL

LOS YONICS
ZAMACONA

DE ARGENTINA

LOS BRIOS
CAMINANTES
SONORA SANTANERA
LA NUEVA SANGRE
LOS TERRICOLAS

Para mas información y Reservaciones llame al

(323) 832-1300 • (323) 605-3953

EXHIBIT "H"

Día de los Enamorados

FEBRERO
SAB



Elia
ROCA Desde Argentina



LOS FREDDY'S
DE ARTURO CISNEROS



LOS ANGELES
NEGROS



Sonora
Santanera
Tributo a Carlos Colorado



Los
Rockin Devil's



REVOLUCION DE
EMILIANO ZAPATA

INFO. Y RESERVACIONES:
(805) 240-9730



EXHIBIT "I"

Case 2:16-cv-00689-PSC-GJS Document 65 Filed 04/07/17 Page 38 of 46 Page ID #:506
SAND DUNES BALLROOM, 11400 ROJAS Y LEE REVINO EL PASO TEXAS

SABADO 18 DE MARZO
CELEBRANDO 54 ANIVERSARIO



LOS 54 ANIVERSARIO



Los Silver

PREVENTA

\$30 dls

7pm - 2am

LOS FRONTERAS

DUFFY

EXHIBIT "J"



BROADACRES

mainkeuplace

PRESENTA:

PUERTAS ABREN

5:30PM

Miller
Lite



LOS SAGITARIOS

ORIGINALES



Los Terrícolas

DE VENEZUELA



Sonora Santanera

Tributo a Carlos Colorado



La Kuezta

PREVENTA - \$7 NOCHE DEL EVENTO - \$10

EVENTO PARA TODAS LAS EDADES

PARA MAS INFORMACION: 702-642-3777

SABADO 18 DE MARZO, 2017

2930 N. LAS VEGAS BLVD, NORTH LAS VEGAS, NV, 89030

EXHIBIT “K”

COMMERCE
HOTEL · CASINO

6131 East Telegraph Rd. Commerce, CA 90040

SABADO 25 MARZO

SUPERBAILAZO DE LUJO

Y DE PRIMERA!

Rudy
La Scala

King
Clave



Sonora
Tipicana



Sonora
Santanera
LA NUEVA SANGRE

RONY OSORIO



La Liza
DE BETO CAMPILLO



GUSTAVO MENDEZ

Pasterles Verdes



LOS CHILES

BOLETOS EN LINEA

WWW.SUPERBAILAZOS.COM

EXHIBIT “L”

HACIENDA ANAHEIM

501 S BROOKHURST ST ANAHEIM CA 92804

SÁBADO 25 DE MARZO

RUDY LASCALA

Concierto/Baile

 **Sonora
Antanera**

**Sonora
Tropicana**



DE SAN MARCOS
DEL INDIU MOLINA

Desde la
costa de
Guerrero

BOLETOS EN SUPERBAILAZOS.COM

VENTA DE BOLETOS EN

AZCEK
REMIX

**21 &
OVER**

LA TACQUENA
MARKETPLACE
(714) 542-6033

LA TACQUENA
MARKETPLACE

**THAI CORNER KITCHEN
JUNTO LA HACIENDA**

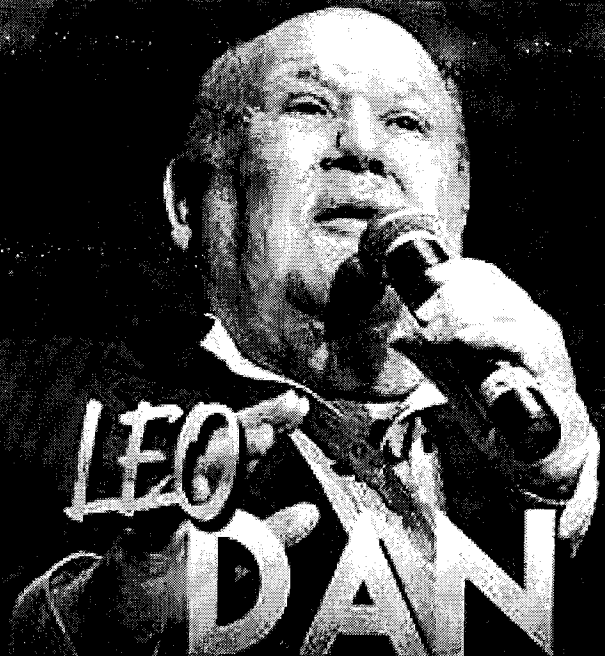
EXHIBIT “N”



AMANDA DIEGO MIGUEL VERDAGUER



LOS PASTELES
VERDES



LEO
DAN

PRESENTACION ESPECIAL

La Única,
Internacional
**SONORA
ANTANERA**

**ANGELES
NECHADE**

SABADO **1** DE ABRIL 2017



**ARAGON
BALLROOM**

BOLETOS DE VENTA EN VIVATUMUSICA.COM
TAQUILLAS DEL ARAGON Y LUGARES DE COSTUMBRE
MÁS INFO & VIP: 773.769.3400 | PUERTAS 7PM
ESTACIONAMIENTO DISPONIBLE | 17+